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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

LAURA NOVOTNY,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,¹

Defendant.

Civil No. 2:23-cv-01880-CKD

**STIPULATION AND ORDER TO EXTEND
BRIEFING SCHEDULE**

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security
2 (the "Commissioner"), shall have an extension of 10 days to respond to Plaintiff's Motion for Summary
3 Judgment in this case. In support of this request, the Commissioner respectfully states as follows:

4 1. The Commissioner's response to Plaintiff's Motion for Summary Judgment is due January
5 29, 2024. Defendant previously received one extension of this deadline.

6 2. Counsel for the Commissioner has referred this matter to his client for consideration of
7 defensibility. Counsel is currently awaiting a response regarding whether settlement would be
8 appropriate. Counsel for the Commissioner believes that this short extension may resolve this matter
9 without necessitating this Court to address the merits of this matter. Moreover, this brief extension would
10 conserve judicial time and resources should the Parties be able to resolve this matter.

11 3. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that he
12 has no objections.

13 4. This request is made in good faith and is not intended to unnecessarily delay the
14 proceedings in this matter.

15 WHEREFORE, Defendant requests until February 8, 2024, to respond to Plaintiff's Motion for
16 Summary Judgment.

17
18 Date: January 31, 2024

LAW OFFICES OF FRANCESCO BENAVIDES

19 By: /s/ Caspar Chan for Francesco Benavides *
20 FRANCESCO BENAVIDES

21 *Authorized by email on January 31, 2024
22 Attorneys for Plaintiff

23 Date: January 31, 2024

24 PHILIP A. TALBERT
25 United States Attorney
26 Eastern District of California

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1 By: /s/ Caspar Chan
2 CASPAR CHAN
3 Special Assistant United States Attorney
4 Attorneys for Defendant

5 ORDER

6 APPROVED AND SO ORDERED.

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8 Dated: January 31, 2024

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10 CAROLYN K. DELANEY
11 UNITED STATES MAGISTRATE JUDGE
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